IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION. 260 OF 2006

Ganjeet Singh @ Jeet Balrajsingh.... Applicant

versus

State of Maharashtra . ... Respondent.

Shri Gladdy Periera & P.S. Mahimkar for the
appllicant.
Shri Rajesh More APP for State.

CORAM; V.M. KANADE, J.

DATED; JANUARY 27, 2006.

P.C:

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. The applicant was arrested in connection with an offence which was registered with Shahapur police station vide C.R.No. 187 of 2004 for the offences punishable under section 395, 397, 307 and 341 of IPC and provisions of the Arms Act. The prosecution case is that the applicant along with others committed dacoity in a bank and took away cash of more than three lakhs along with gold chain from the complainant. While committing robbery, one of the applicant was carrying revolver and he fired one round from the revolver and thereafter along with the other accused

ran away. It is submitted that the test identification parade was held after 90 days and the delay in holding test identification parade is explained. It is alleged that though the amount of Rs. 80,000/- was recovered from the applicant, the prosecution has not established that this was the same money which was stolen from the bank. It was submitted that though eye witnesses have identified the applicant, some of the witnesses have not identified the applicant in the test identification parade. It was submitted that other co-accused was released on bail by this court by order dated 18th October 2005.

3. The learned A.P.P. appearing on behalf of the State submitted that though there are no criminal antecedents against the present applicant, the amount of Rs. 80,000/- was recovered from him whereas the co-accused of the present applicant was released on bail by this court. In the earlier application no recovery has been made at the instance of the said applicant and therefore the applicant cannot claim parity with the said accused who is already released on bail.

4. I have also heard the submission of the learned counsel appearing on behalf of the applicant and it is not possible to accept the said submission. It is an

accepted position that an amount of Rs. 80,000/- was recovered at the instance of the applicant and no satisfactory explanation could be offered by him from where he had obtained such a huge amount of money particularly when he was working with his uncle in his chicken shop in the fish market at Ulhas Nagar. The delay in holding test identification parade has been explained by the prosecution. The application for bail is therefore rejected. The hearing of the trial is however expedited.

5. The trial court shall not be influenced by any observations made by this court while rejecting the application of the applicant for bail and may not be treated as an expression of opinion on merits of the case.

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